



भारत का राजपत्र The Gazette of India

प्रसाधारण

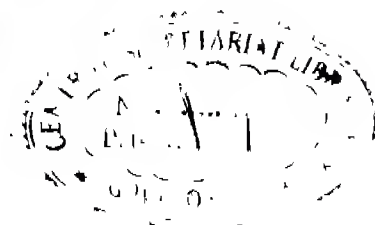
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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No. 29]

NEW DELHI, TUESDAY, MARCH 23, 1976/CHAITRA 3, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 23rd March, 1976:—

I

BILL No. XIX OF 1976

A Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Gujarat State Legislature (Delegation of Powers) Act, 1976.

2. In this Act, "Proclamation" means the Proclamation issued on the 12th day of March, 1976, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 123(E) of the said date.

3. (1) The power of the Legislature of the State of Gujarat to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted

Short
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Defini-
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Confer-
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the Presi-
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the
power
of the
State
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to make
laws.

for the purpose, consisting of thirty-four members of the House of the People nominated by the Speaker and seventeen members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 12th March, 1976, the powers of the Legislature of the State of Gujarat are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Gujarat to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI;

The 22nd March, 1976.

K. BRAHMANANDA REDDI.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 34 members of the House of the People and 17 members of the Council of States. Expenses to be incurred in connection with the meetings of the Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 92,000 during the period in which the Proclamation will be in force. The Bill, if enacted, will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of Gujarat to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 12th day of March, 1976, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1)(a) of the Constitution. Before exercising the aforesaid power, the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clauses (3) and (4) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1)(a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Gujarat. Under the exceptional circumstances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated 12th March, 1976 will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

II

BILL No. XX OF 1976

A Bill to provide for the extension of the duration of the Legislative Assembly of the State of Kerala and to amend the Kerala Legislative Assembly (Extension of Duration) Act, 1975.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Kerala Legislative Assembly (Extension of Duration) Amendment Act, 1976.

Further
exten-
sion of
duration
of the
Kerala
Legisla-
tive As-
sembly
and
amend-
ment of
Act 33
of 1975.

2. The period of five years [being the period for which the Legislative Assembly of a State may, under clause (1) of article 172 of the Constitution, continue from the date appointed for its first meeting] in relation to the Legislative Assembly of the State of Kerala, which was extended for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975, is hereby extended for a further period of six months and accordingly, in section 2 of that Act,—

(1) for the words “six months”, the words “one year” shall be substituted;

(2) the following proviso shall be inserted at the end, namely:—

“Provided that if both or either of the said Proclamations cease or ceases to operate before the expiration of the said period of one year, the present Legislative Assembly of the State of Kerala shall, unless previously dissolved under clause (2) of article 174 of the Constitution, continue until six months after the cesser of operation of the said Proclamations or Proclamation, but not beyond the said period of one year.”.

STATEMENT OF OBJECTS AND REASONS

The term of the Legislative Assembly of the State of Kerala which was due to expire in the normal course on the 21st October, 1975, was extended for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975 (33 of 1975). The term of that Assembly will accordingly expire on the 21st April, 1976.

2. The Proclamations of Emergency issued by the President on the 3rd December, 1971 and the 25th June, 1975, continue to remain in operation. The general elections to the House of the People and to the Legislative Assembly of Tamil Nadu were due to be held in February-March this year. But the duration of the House of the People has since been extended for a period of one year. In the circumstances, it is considered that it would not be feasible to hold general elections to the Kerala Legislative Assembly before the expiry of the present term of that Assembly and that the duration of the said Assembly should be extended for a further period of six months. Under the proviso to clause (1) of article 172 of the Constitution, Parliament has the power to extend by law, while the Proclamation of Emergency is in operation, the duration of the Legislative Assembly of a State for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

3. The Bill seeks to give effect to the object mentioned above.

NEW DELHI;

The 22nd March, 1976.

H. R. GOKHALE.

B. N. BANERJEE,
Secretary-General.

